IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 97 OF 2007

IN

SUIT NO. 981 OF 1985

Kinetic Engineering Ltd. .. Plaintiff

versus

Central Bank of INdia & Ors. .. Defendants

...

Mr.Paritosh Jaiswal i/b Kanga & Co. for the plaintiff.

Mr.H.J. Thakkar, Sr.Adv. with Mr.Vishal and Ms.Meherji i/b Gagrats for the defendant no.1/applicant.

Mr.H.N. Walavalkar for defendant no.3.

CORAM : D.G. KARNIK,J.

DATED : 2nd March 2007.

P.C.:

1. Heard counsel for the appearing parties.

2. This Chamber Summons is heard by the Judge hearing the suit under Rule 156 of the Bombay High

Court (Original Side) Rules since the Chamber Summons is taken out in a suit which listed on board without hearing.

3. By this Chamber Summons, the defendant no.1 prays for amendment of the plaint. Counsel for the plaintiff opposes the request and submits that there is a gross delay in taking out the chamber summons. The written statement was filed in the year 1987 and the request for amendment is made in the year 2007 i.e. after lapse of 20 years of filing of the written statement. He further submits that the delay has not been sufficiently explained. Except the bald averment that in the original written statement averments were not made due to inadvertence or oversight, no other ground is mentioned for the delay. In my view, there is a considerable delay in making the application. However, that alone cannot be a ground for rejecting the amendment. The plaintiff can be compensated by awarding sufficient costs for the delay.

4. Accordingly, chamber summons is allowed subject to payment of costs of Rs.20,000/-. Costs shall be paid and the amendment shall be carried out within one week.

D.G. KARNIK, J